REMARKS

Claims 1-5, 9-14, 16, 31, and 32 are pending in the application. Claims 1-5, 9-14, and 16 are currently amended.

Claim 1 has been amended to overcome the rejections by specifically reciting in the body of the claim various elements that were formerly recited in the preamble. Claim 1 also recites "effective amounts" for accomplishing preferential extraction of triglycerides over phospholipids, for example, as shown in Examples 1-3 and observed in the last full paragraph on page 25 of the Specification. Claim 1 now recites a "solvent extraction mixture" due to the inclusion of oil-bearing material that was formerly recited in the preamble. Exemplary fluorocarbons, chlorofluorocarbons, and chlorocarbons may be found in the last full sentence on page 17 of the specification.

Claims 31 and 32 stand rejected under 35 U.S.C. §102(b) as being anticipated by Matsuhia et al., United States Patent No. 5,431,837. Emphasis is made of Example 2 thereof., which describes aziotropic behavior in a 70:30 mixture of perfluorohexane and isohexane. Applicant's attorney respectfully observes that the formula for perfluorohexane is C_6F_{14}. Matsuhia '837 cannot anticipate claims 31 and 32 where Claims 31 and 32 do not recite C_6F_{14}. Additionally, Matsuhia '837 pertains to a solvent for degreasing instrument parts (col. 1, line s 11-12) and does not suggest the present solvent extraction mixture where the oil-bearing materials contain triglycerides and phospholipids, for example, as in soy materials where preferential extraction may be accomplished.

Claims 1-5, 9-14, 16, 31 and 32 stand provisionally rejected over claim 15 of copending application serial number 09/491,185. We respectfully traverse this provisional rejection because the '185 application has now issued as United States Patent No. 6,547,987. The '987 patent issued with a single claim that recites a solvent mixture including hexane and 60% to 70% decafluoropentane. The single claim has a different scope than did claim 15 of the then pending claim 15 of the '185 application upon which this rejection is based. The present claims have a different scope, for example, including the recitation of oil-bearing materials in claim 1. We respectfully request clarification of this provisional rejection, and suggest that this issue would be topical for a telephonic interview once the Examiner has considered these remarks. For now, we request withdrawal of the provisional rejection due to the scope of claim 1 in the issued '987 patent.

Claims 1-5, 9-14, and 16 stand rejected under 35 U.S.C. §112, first paragraph, for the inclusion of new matter in the proviso clauses of claims 1 and 16. These clauses have been deleted.

Claim 16 stands rejected under 35 U.S.C. §112, first paragraph, for want of enablement and/or written description. The Examiner alleges that the specification is enabling for fluorocarbon mixtures, but not for iodo- or bromocarbons due to the different properties of iodo- or bromocarbons. We disagree and respectfully traverse the rejection for reasons stated below.

The written description requirement for a claimed genus may be satisfied through sufficient description of a representative number of species by actual reduction to practice (see i)(A), above), reduction to drawings . . ., or by disclosure of relevant, identifying characteristics, i.e., structure or other physical and/or chemical properties, by functional characteristics coupled with a known or disclosed correlation between function and structure, or by a combination of such identifying characteristics, sufficient to show the applicant was in possession of the claimed genus (see i)(C), above). *University of California v. Eli Lilly and Co*43 USPQ2d 1398, 1406 (Fed. Cir. 1997).

In the present case, the written description requirement, as well as enablement, are satisfied by a combination of physical and chemical properties, which are now specifically claimed. The structure includes a recitation of fluorocarbon, chlorocarbon, or chlorofluorocarbon materials in combination with a viscosity ranging from 0.3 to 2.6 centipoise and a polarity index no greater than about 0. Those skilled in the art need merely to consult available references that list physical properties of known materials, perhaps with the assistance of the equation on page 19 of the specification, to derive additional specific instances of the broader genus now being claimed. This type of consultation does not require undue experimentation where Applicants have provided the rationale for selecting such materials according to structure and properties that are now specifically claimed. We submit that such materials and properties are known in the art. "A patent need not teach, and preferably omits, what is well known in the art." *Spectra-Physics, Inc. v. Coherent, Inc.*, 827 F.2d 1524, 1534, 3 USPQ2d 1737 (Fed. Cir. 1997), cert. denied, 484 U.S. 954 (1987). *See also Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81 (Fed. Cir. 1986). This is particularly the case where halogens are similarly classified in Group 18 of the Periodic Table.

It is respectfully requested that claims 1-5, 9-14, 16, 31, and 32 be found allowable.

Applicants submit herewith a Petition for Extension for Response within the first month, together with the appropriate fee under 37 CFR § 1.17(a)(2). Applicants believe no further fees are due, however, should additional fees be deemed necessary in connection with this Response, the Commissioner is authorized to charge Deposit Account 12-0600.

Applicants acknowledge receipt of the Notice of Draftsperson's Patent Drawing Review, wherein the Draftsman indicates various objections to the drawings filed February 21, 2003. Formal drawings are currently in progress and will be timely filed.

Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to call Applicants' undersigned attorney in an effort to resolve such issues and advance this application to issue.

Respectfully submitted,

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